

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARABBAS BROWN


Plaintiff

v.

RONNIE HOLT

Defendants

3:12-CV-956  
(JUDGE MARIANI)

FILED  
SCRANTON  
JUL 17 2012  
MARY E. D'ANDREA, CLERK  
Per.  DEPUTY CLERK

ORDER

AND NOW, THIS 17TH DAY OF JULY, 2012, upon *de novo* review of Magistrate Judge Carlson's Report & Recommendation (Doc. 9) and Plaintiff's Objections thereto (Doc. 13), **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Objections (Doc. 13) are **SUSTAINED**.
  - a. The Court will permit Plaintiff to strike Defendants Holt, Dunbar, Sullivan, and Ryan from the case. Defendants Dr. W. Dobushak, Correctional Officer Durkens, and Correctional Counselor Palmer will be the remaining individual defendants.
  - b. The Court will also permit Plaintiff to amend his complaint to add the United States as a defendant to his Federal Tort Claims Act ("FTCA") claim.
2. The Report & Recommendation (Doc. 9) is **ADOPTED**.
  - a. The FTCA claim against all individual defendants is **STRICKEN**.

b. Plaintiff's demands for specific amounts of unliquidated damages are

**STRICKEN.**

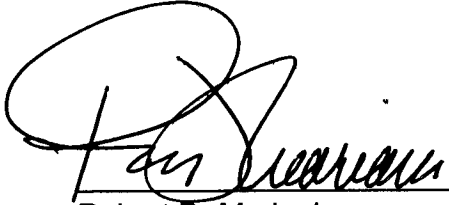
c. Plaintiff's Motion to Proceed *In Forma Pauperis* is **GRANTED.** (Doc. 2).

As such, Plaintiff's Second Motion to Proceed *In Forma Pauperis* (Doc.

10) is **DENIED AS MOOT.**

3. Plaintiff's Motion for Appointment of Counsel is **DENIED WITHOUT PREJUDICE.**

4. Plaintiff is directed to file an Amended Complaint within **THIRTY (30) DAYS** of the date of this Order adding the United States as a defendant on his FTCA claim and naming Correctional Counselor Palmer as a defendant on his Eighth Amendment deliberate indifference claim. Plaintiff is free to re-name Defendants Doubshek and Durkens as defendants on his Eighth Amendment claim if he so wishes. Thereafter, the Court will direct the Clerk of Court to issue a summons to be served on defendants by the U.S. Marshal, along with the Amended Complaint.



Robert D. Mariani  
United States District Judge